

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

WILLIAM COSME,
a/k/a "William Cosmo"

Defendant.

No. 13-CR-43 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

On July 18, 2017, the Court sentenced Mr. Cosme to 111 months imprisonment on two counts. (See dkt. no. 398.) On July 28, 2017, Mr. Cosme appealed his sentence. (See dkt. no. 399; see also dkt. no. 402.) On July 15, 2021, the Court of Appeals issued a summary order affirming this Court's judgment in part and remanding the case in part. (See dkt. no. 442.) Notably, the Court of Appeals rejected Mr. Cosme's challenges to: 1) the aggravated identity theft count of which he was convicted, (id. at 2-5); 2) the process by which the Government seized his assets, (id. at 5-6); and 3) Mr. Cosme's representation at trial, (id. at 6-8). Indeed, the Court of Appeals concluded that it "reviewed all other arguments raised by Cosme on appeal and f[ou]nd them to be without merit." (Id. at 9.) The Court of Appeals only remanded this case so this Court would resentence Mr. Cosme without applying a sentencing enhancement that was not

in effect at the time Mr. Cosme committed his offense. (Id. at 8-9.)

In the roughly two years following the Court of Appeals' order, Mr. Cosme has abused the judicial process. Mr. Cosme has abused the services of the many able CJA attorneys appointed to represent him for his resentencing.¹ Mr. Cosme has wasted the

¹ Mr. Cosme has had the following counsel since remand:

- Mark DeMarco was reappointed to represent Mr. Cosme on October 28, 2021. (Dkt. no. 447.)
- Daniel Stein replaced Mr. DeMarco on January 6, 2022. (Dkt. no. 450.)
- Glen Kopp replaced Mr. Stein on February 4, 2022. (Dkt. no. 452.)
- Jesse Siegel replaced Mr. Kopp on May 24, 2022. (Dkt. no. 485.)
- Stephanie Carvlin replaced Mr. Siegel on July 29, 2022. (Dkt. no. 498.) In this order, Mr. Cosme was warned that his conduct with respect to counsel was becoming abusive and advised as to his right to represent himself. (Id.)
- After a hearing on Mr. Cosme's counsel issues, Lorraine Gauli-Ruffo replaced Ms. Carvlin on March 16, 2023. (See minute entry for proceedings dated March 16, 2023).
- After a hearing on April 13, 2023, Mr. Cosme's request for new counsel to replace Ms. Gauli-Ruffo was denied. (See minute entry for proceedings dated April 13, 2023.) Mr. Cosme was directed to write to the Court within two weeks to determine how he wanted to proceed regarding representation for his resentencing. (Id.)
- After a hearing on April 25, 2023, Ms. Gauli-Ruffo was relieved as counsel for Mr. Cosme and Mr. Cosme proceeded pro se. (See minute entry for proceedings dated April 25, 2023. See also dkt. no. 539, transcript for proceedings dated April 25, 2023, at 4:21-8:11.)

The Court notes that, up to and including the appeal that resulted in the current remand, Mr. Cosme had the services of "more than fourteen different attorneys." (Dkt. no. 442 at 2.)

Court's time by filing repetitious, frivolous motions for post-conviction relief to which Mr. Cosme is not entitled.² Mr. Cosme has misused the Court of Appeals' resources by indiscriminately appealing this Court's non-final orders.³

Mr. Cosme's motions listed in footnote two are DENIED. In addition, the Court will only accept future submissions from Mr. Cosme which directly address the issue on remand: his resentencing and the inapplicability of the sentencing enhancement discussed in the Court of Appeals' opinion. (See dkt. no. 442 at 8-9.) Specifically, the Court will not entertain further submissions from Mr. Cosme regarding:

- "frauds on the court by officers of the court, severe ongoing judicial abuses, grotesque prosecutorial

² (See the following list of pending motions:

- Motion for Discovery, filed August 1, 2022. [Dkt. no. 502.]
- Rule 41(g) Motion for Return of Property and Attorneys Fees, filed March 24, 2023. [Dkt. no. 522.]
- Motion for Reconsideration, filed May 2, 2023. [Dkt. no. 534.]
- Motion to Vacate, Dissolve, or Modify Improper Injunctions, filed May 26, 2023. [Dkt. no. 542.]
- Motion for Issuance of a Letter Rogatory, filed June 2, 2023. [Dkt. no. 543.]
- Motion for New Trial, filed June 26, 2023. [Dkt. no. 546.]
- Motion to Appoint Receiver, filed July 18, 2023. [Dkt. no. 548.]

³ (See the Notices of Appeal at dkt. nos. 464, 486, 495, 499, 504, 512, 533, and 537, all filed since March 2022.)

misconduct, ongoing substantial violations, trampling of the defendant's constitutional rights, theft of innocent property by officers of the court who acted under the color of law," (dkt. no. 502 at 2);

- "substantial legal errors, frauds on the court, structural and fundamental errors, new information, new facts, new law, new cross border evidence, extraordinary circumstances, Brady violations pre final judgement that the court has not reviewed," (dkt. no. 522 at 1);
- the Government's submission of "new exculpatory cross border evidence post-trial . . . which appears to be a new Brady violation" and is "also part of an ongoing fraud on the court," (dkt. no. 543 at 1);
- the "improper" seizure and forfeiture of Mr. Cosme's assets, (dkt. no. 522 at 1);
- the lack of a jury determination of a nexus between Mr. Cosme's property and the federal crime of which he was convicted, (dkt. no. 534 at 1);
- the Court's lack of jurisdiction over Mr. Cosme and his property due to "inadequate grand jury votes," (dkt. no. 546 at 1);
- the "pre-arrest, pre-indictment asset forfeiture seizures, restraint, freeze of \$23mm of non-tainted personal and

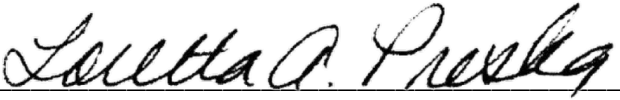
commercial property owned by Mr. Cosme" in violation of CAFRA 2000 and the 4th Amendment, (dkt. no. 542 at 2);

- the "presence of incurable 4th Amendment violations, warrantless pre-indictment arrest, search and seizure, improper instant incarceration, improper instant bank freezes all occurring in the absence of any exceptions to the 4th Amendment warrant requirement, in violation of Congressional Policy CAFRA 2000 inclusive of asset forfeiture abuses, absence of timely grand jury, law enforcement, judicial probable cause, absence of grand jury vote, absence of requisite nexus between \$23mm of Mr. Cosme's non tainted property and a federal crime from 2012 pre-indictment to 2017 trial/to present," (dkt. no. 548 at 2) (emphasis in original); or
- the "strip[ping] away" of "innocent property, counsel of choice and any further assistance of CJA" due to the Court's "appointing (20) proven ineffective CJA counsels with limited scope all stricken by severe sequestration," (dkt. no. 534 at 1).

The Clerk of the Court shall close the motions listed in footnote two and mail a copy of this order to Mr. Cosme.

SO ORDERED.

Dated: August 17, 2023
New York, New York



LORETTA A. PRESKA
Senior United States District Judge